

REMARKS

Reconsideration And Allowance Are Respectfully Requested.

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow.

Claims 18 and 20-31 are currently pending. Claims 18, 20, 22, 25 and 29-31 have been amended. Claims 1-17, 19, 32 and 33 have been canceled. No new claims have been added. No new matter has been added. Reconsideration is respectfully requested.

Claims 18-22, 24-29 and 31-33 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 18, 20, 22, 25, 29 and 31 have been amended to overcome the 112 rejection and are now believed to be in condition for allowance.

Claims 18, 22, 24, 31 and 32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. 62-107737 to Ishimaru et al. Ishimaru discloses applying a solid sheet inclusive of pearl luster pigment particles. Using a solid sheet prevents applying the particles directly to the plant surface. The method of the instant invention allows direct application and coating by the particles of the plant surfaces or of the inter-plant surfaces, and to that end acceptable agricultural carriers must be used. Ishimaru's method does not require any carrier to be used, since the particles are packed in solid sheets. Moreover, the solid sheets are applied without coating, and not requiring physical contact with the plants or soil. There is no disclosure in Ishimaru of applying and attaching directly to a plant surface and the two ingredients working together.

Claims 25, 26, 29 and 33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,986,856 to Kieser. Kieser discloses a pulverulent pigment product having properties which promote improved flowability. Kieser discloses a method to prepare a flowable powder (more or less dusty pigment preparations). Kieser does not at all refer to how to put them on plants.

The instant invention refers to a method for applying and attaching a pigment product onto plants. The instant invention also refers to a combination of manufactured product and a choice of agriculturally acceptable carriers rendering the applied composition active for the purpose as set forth in the description. Moreover, one cannot foretell whether the preparations of Kieser are successful for the purpose of insect repelling, as the coating applied to the particle in accordance with Kieser are not effecting the human perception of color, but might appeal differently to the insects or might be harmful to the plants. Moreover, one cannot foretell whether the Kieser particles, which are modified pigment particles, are miscible with acceptable agricultural carriers as their surface properties are different than regular coated mica pigments. Still further, there is no indication that the product of Kieser will attach to the plants.

Claims 25-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,300,127 to Williams. The preparations of Williams contain an inoculum, a particulate carrier and a polymer adhesive. The seeds are coated with a mixture of the above ingredients. The seeds, after being coated are packed and stored in the store room for a few months before being planted. The instant invention discloses a method for coating growing plants in the field. The effect of the pigments is related to the reflectance (see experiments) controlled by yellow plates. The effect of Williams preparation is not a light-reflection related effect because the seeds after being treated, are stored or planted in the soil. Practically, the inoculum and the polymer adhesive of Williams, as included in the seed coat, are harmful

to the light reflecting effect of the pigments, because they obscure the pigment. Contrarily, the pigment of the present invention must be applied in as transparent as possible carrier, not to diminish its light reflecting properties.

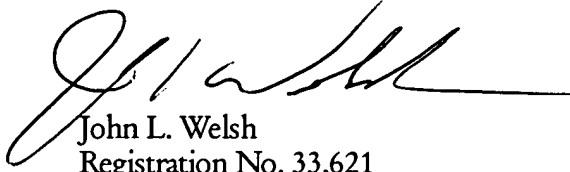
Claims 25-27 and 29-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,867,794 to Ambrosius et al. Ambrosius discloses a process for the preparation of titanium oxide coated mica particles. The method of the instant invention uses such prepared particles. The instant claims are not readable on the Ambrosius claims as they take the Ambrosius pigments or others one step further for use together with agriculturally acceptable carriers to apply onto plants and soil. Contrary to the Examiner's statement, the Ambrosius patent does not disclose a preparation, rather it discloses a process for preparing a known pigment.

Claims 25-27 and 29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,472,491 to Duschek et al. This rejection of claims 25 - 27 and 29 is based on examples of preparing a product, specifically Examples 1 and 2 of the patent. Although the patent discloses an aqueous suspension of mica particles in demineralized water, this is just the starting step, the authors do not regard such a suspension as a useful product. The authors merely use such preparations as a starting step for subsequent processing by a method, the final product which is a more stable type of pearlescent pigment particles than such types as known in the art at the time. The aqueous suspensions disclosed are regarded as a transient step in the chain leading to the final product, and are not given any autonomous status. In the present invention, the aqueous suspensions of particles are the final product to be used for insect repelling. Duschek et al. fail to disclose or teach the use of any composition for protecting plants from insects.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicant's representative at the below number.

Respectfully submitted,



John L. Welsh
Registration No. 33,621

WELSH & FLAXMAN LLC
2341 Jefferson Davis Highway
Suite 112
Arlington, Virginia 22202
Telephone: (703) 920-1122

Docket No. TSI-052